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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

FAXED

YORAM NELKEN

AUG 3 - 2005

Junior Party
(Patent 6,408,277)¹

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

v.

ERIC HORVITZ

Senior Party
(Application 09/364,527)²

Patent Interference No. 105,248

Before LEE, MEDLEY and NAGUMO, Administrative Patent Judge.

LEE, Administrative Patent Judge.

Judgment – Bd. Rule 127(b)

¹ Based on Application 09/602,588, filed June 21, 2000. The real party in interest is iPhrase Technologies, Inc.

² Filed July 30, 1999. The real party in interest is Microsoft Corporation.

Interference No. 105,248
Nelkin v. Horvitz

Neither party filed a non-priority substantive motion by the due date for such motions, July 19, 2005. On July 18, 2005, junior party Nelkin filed a paper (Paper No. 47) requesting entry of adverse judgment against junior party Nelkin. The request is granted. It is

ORDERED that judgment as to the subject matter of Count 1 is herein entered against junior party YORAM NELKIN;

FURTHER ORDERED that junior party YORAM NELKIN is not entitled to its patent claim 1 which corresponds to Count 1;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205; and

FURTHER ORDERED that a copy of this judgment be placed in the respective involved application or patent of the parties.

/ss/ <u>Jameson Lee</u>)	
JAMESON LEE)	
Administrative Patent Judge)	
)	
)	
)	
/ss/ <u>Sally C. Medley</u>)	BOARD OF PATENT
SALLY C. MEDLEY)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
/ss/ <u>Mark Nagumo</u>)	
MARK NAGUMO)	
Administrative Patent Judge)	

Interference No. 105,248
Nelkin v. Horvitz

By Facsimile:

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